

Disability Awareness Month

INCREASING AWARENESS ABOUT COMMUNITY ACCESS ISSUES AND THE ADA

An accessible, responsive, community that welcomes and includes everyone is the focus of this planning packet. When the Americans with Disabilities Act (ADA) passed in 1990 it was hailed as the most important civil rights legislation since the Civil Rights Act of 1964. It has become a useful tool in assuring that access changes are made and policies are developed to give people with all kinds of disabilities an equal opportunity to participate and benefit from community programs and activities. It's important for advocates to understand the requirements as well as the purpose of the ADA in order to effectively advocate for the changes that are needed. This packet provides information to help you become better informed about the ADA, as well as some specific ideas and resources for community projects. Some of those ideas include Yellow Card Program for Business Access, Mock Parking Tickets, Accessible Parking Patrols, Community Access and Inclusion Projects, and Mayors' Councils. In addition enclosed is an Overview of the Americans with Disabilities Act, an ADA checklist for existing facilities, an ADA Resource list and a list of other resource for ideas on community access and involvement projects.

Increasing Awareness about the ADA

The ADA affects some 54 million Americans who have a physical or mental disability. This number will continue to grow as our nation's elderly population increases. The ADA protects and guarantees the rights of all Americans with disabilities. Discrimination denies people with disabilities the opportunity to participate in and contribute to society.

There are many ways to increase awareness about the ADA. Consider the suggestions below, or come up with your own creative ideas:

- Use the attached checklist for Readily Achievable Barrier Removal to survey local businesses open to the public. Note: While the checklist will help identify barriers in state and local government program under Title II, those programs must meet a different standard and readily achievable barrier removal does not apply. Title II requires that programs, when viewed in their entirety, be readily accessible to and usable by people with disabilities. For example, “program access” can sometimes be achieved simply by providing the service in an alternate accessible location. The level of accessibility required by Title II is determined by applying the program accessibility standard to the facilities of the government entity as a whole.
- Focus on a different ADA topic each week of Awareness Month. Invite an expert (lawyer, business person, person with a disability, advocate or government representative) to speak to your organization about provisions and implementation of the ADA.
- If you are a teacher, compare the ADA with other civil rights movements and legislation in our country’s history.
- Distribute information about the ADA, along with Disability Awareness Month information, at events, booth exhibits and places of business. You can make photocopies of the mock tickets, resource list, fact sheet and checklist included in this packet.
- Establish an advisory group and speakers’ bureau of people with special knowledge of disability-related issues. Offer your group as a resource; send speakers to local classes, congregations, civic groups, business organizations, etc., to increase awareness about ADA compliance and other issues of concern to people with disabilities.

ADA Business Yellow Card Campaign

Help create positive awareness of ADA compliance issues within businesses and organizations in your community by commenting on accessibility through the Yellow Card Campaign. Originally conceived by the Great Lakes ADA Center, the Yellow Card acts as a report card for you or your advocate group to review any organization or place of business. You might report complete accessibility or point out areas that fall short of compliance standards. Kick off this campaign during Disability Awareness Month and continue it throughout the year.

Use the card as a means of communication between the community of people with disabilities and the business community. Businesses and organizations might not recognize the barriers surrounding their building until you bring it to their attention. Your Yellow Card suggestions might move them to make positive adaptations.

Enclosed in this packet are 10 Yellow Cards. Be creative initiating the Yellow Card campaign. If you want to involve an advocate group, set a monthly goal of the number of businesses or organizations your group wants to visit. Give each person in your group several cards and reward the one who fills out the most.

Or if you're an individual advocate, go on a city tour, stop at various businesses and organizations, complete your card and leave it with the manager or director. Invite friends to join you or give them cards to complete on their own. Visit several sections of town throughout the month or year.

When sending completed forms to the respective business or organization, include a letter from your group thanking the business/organization for considering your suggestions. Offer your name and organization or the Great Lakes ADA Center as a contact if they have any questions or comments and give them a copy of the enclosed ADA Resource list, Overview of the ADA, and/or Checklist for Readily Achievable Barrier Removal.

The Great Lakes ADA Center provides unlimited quantities of Yellow Cards at no cost and in alternative formats. For more Yellow Cards or information on the ADA, contact them at (800) 949-4232 (voice/TT).

Advocacy with Parking Accessibility

Inappropriate use of reserved parking spaces is a continual problem for people with disabilities, as drivers who do not require accessible spaces still park in reserved spaces at local stores, businesses and other public places. You and your group can get involved in several ways. You could monitor local parking lots and place photocopies of the enclosed mock parking ticket on the windshields of cars illegally parked in accessible spaces. In addition you could check parking lots to see if appropriate accessible spaces are provide and meet with lot owners to advocate for changes (provide businesses with a copy of the enclosed Indiana standards for parking accessibility). Or you could help organize a volunteer parking patrol to complete instructional courses taught by local law enforcement officials. Upon completion of the classes,

the volunteer parking patrol has the authority to issue valid parking tickets to violators in their community.

Mock Parking Tickets

By distributing the Indiana Governor's Council for People with Disabilities' mock parking ticket every time you see a car parked in a reserved space, you help raise public awareness of an important disability issue – accessibility. Making drivers aware of the violation is the first step in stopping this problem. The mock ticket is not an actual citation or warning but is a reminder that, when placed on the vehicle's windshield, alerts drivers that Indiana police can issue tickets and fine drivers a minimum of \$50 for parking in reserved spaces. Useful information also is included on the mock ticket, enabling those who qualify for accessible parking spaces to request the necessary identification for their vehicles. (The laws regarding placards are contained in Indiana legislation IC9-14-5-1. This law specifically refers to the issuance of placards, placement and display of placards on vehicles, and expiration periods.)

Any time you see a vehicle parked in a reserved space without a placard or other license plate for use of accessible parking, place the mock parking ticket on the windshield. You also can photocopy and distribute the mock parking ticket within your own organization and add your group's logo at the bottom of the ticket.

Under the ADA, stores are responsible for ensuring that designated spaces in their lots are kept open for people who need them. Stores can be encouraged to adopt a policy of monitoring spaces, notifying customers about violations and towing people who park illegally. Discuss the problem with store managers and provide them with mock parking tickets for their use in notifying customers who violate the accessible parking law.

A sheet of mock parking tickets is included with this packet for you to photocopy and distribute to members of your own local organization and businesses.

Community Parking Patrols

Law enforcement officers can monitor and ticket spaces on public streets and any property within their jurisdiction. A state law allows the establishment of a volunteer parking patrol or reserve police force to monitor the use of reserved spaces. According to the statute, volunteers must complete instructional courses by a law enforcement agency. A parking complaint or fine issued by a trained volunteer has the same force and effect as one issued by a law enforcement officer.

There is currently only one Indiana patrols, in Kokomo. For a copy of a draft ordinance or to find out more about the parking patrol program contact the Kokomo Mayor's Council Office (see attached list). Kokomo was the originator of the parking patrol concept in Indiana and has had a patrol for many years. A complete copy of Indiana legislation IC5-16-9-11 regarding volunteer parking patrols and standards for parking facilities for persons with physical disabilities is enclosed.

Typically the first step is drafting and passing a city ordinance to establish a citizens' volunteer parking patrol. Initially you/your group should contact your local Council member to advocate for a patrol and enforce the use of accessible parking spaces. Ask the member for advice on other people to contact, typically the Mayor's office and/or the Police Community Relations' office. Provide a copy of the state law to assist in explaining how the program works.

Community or Mayor's Councils on Disability

A Mayor or Community Council on Disability is a good way of establishing a permanent group to advise local government and work on broad disability and accessibility issues that affect your community.

A number of Indiana cities and towns have such a committee with citizen members including people with disabilities often appointed by the Mayor. Attached is a list of community and Mayor's council's on disability.

If your community does not have such a group, get together with a group of other interested advocates to talk about establishing a group. Talk about the key issues you would like the group to address whether it is government access issues, recreation, jobs, transportation, parking, emergency preparedness, etc. Contact existing groups in the state to find out how they got started and what kinds of projects they work on. Check out some of the ideas at the National

Organization on Disabilities (NOD) website for additional inspiration (<http://www.nod.org/> click on NOD programs).

Decide whether you want the group to be established as part of the local government or separately. If you decide that you want to be established in government, send a letter to the Mayor or town official asking for a meeting to discuss establishing a citizens group on disability or community access to assist the city in meeting the needs of its citizens with disabilities and identifying priority issues to address. Once a meeting is established with the Mayor or other official, come prepared with information on the purpose and broad goals of such a group and how the group could assist the city/town and the Mayor's office in making sure citizens with disabilities are welcomed and included.

Whether you establish a separate group or work within city/county government there are some tips to help you get started:

1. Make sure that members include people with disabilities and family members who can provide real life perspective on critical issues.
2. Openly discuss the current state of the community and get beyond the past.
3. Raise community awareness of disability issues and explore new avenues of action.
4. Meet frequently and establish workgroup or committees to accomplish tasks.
5. Develop yearly goals with measurable outcomes to keep the group on track.

Community Access and Inclusion Projects

One of the best resources for ideas and information on making your community accessible and inclusive is the National Organization on Disability (NOD). NOD is a national non-profit organization that provides a wide range of information on increasing the participation of people with disabilities in all aspects of life. Whether you are searching for contact information, facts and figures, or a specific program, the NOD website is a great place to begin your search <http://www.nod.org/>. Below are a few of the programs offered by NOD.

NOD Community Involvement /Community Partnership Program (CPP)

CPP promotes replication of model local disability programs, through its growing network of more than a thousand towns, cities and counties committed to the inclusion of people with disabilities. For a small fee based on population, CPP provides a wide variety of

publications and resources to assist Mayors and their communities to become more disability friendly. For more information, contact Nancy Starnes, Director of the Community Partnership Program, at starnes@nod.org.

Accessible America Award

\$55,000 annual award competition for disability-friendly communities. To enter, your community must submit an official Accessible America application signed by your mayor or chief elected official, describing how your city or town (or county representing unincorporated communities within its borders) provides opportunities for citizens with disabilities to participate fully in community life.

Community Involvement

Provides “Best practices” information on disability programs and activities in communities throughout the U.S. that can be replicated in your town or city. Sample projects include: Work with Local Libraries to Make Their Services Accessible, Enable People with Disabilities to Access Local Museums and the Arts, Help Children with Disabilities Interact with Children Who Don't Have Disabilities, Provide Respite Care for Parents of Children with Disabilities, Raise Funds for Disability Organizations, Expand Voting and Civic Awareness in the Disability Community, Help Make Private Homes Accessible, Help create an Accessible Community Garden. Check on line at NOD for more details and information:

<http://www.nod.org/index.cfm?fuseaction=page.viewPage&PageID=1346>

Or use Tiny URL: <http://tinyurl.com/yz8qtu>

Other NOD Programs

- National EmployAbility Partnership (NEP) - designed to increase the number of Americans with disabilities in the workforce
- Emergency Preparedness Initiative (EPI) - ensures the inclusion of disability issues in preparedness planning
- NOD/Harris Surveys - Gathers benchmark data on various disability-related subjects
- Religion and Disability Program - Encourages faith communities to remove barriers for full religious participation

ADA RESOURCES

There are a wide variety of resources available to increase you knowledge and understand of the Americans with Disabilities Act (ADA):

National and Regional ADA Resources

Great Lakes ADA Center

University of Illinois at Chicago
Institute on Disability & Human Development
MC 728
1640 West Roosevelt Road, Room 405
Chicago, IL 60608
800-949-4232 (voice/TT)
312-413-1407 (V/TTY)
312-413-1856 (Fax)
www.adagreatlakes.org

U.S. Department of Justice (DOJ)

Americans with Disabilities

950 Pennsylvania Avenue, NW
Civil Rights /Disability Rights Section - NYAV
Washington, D.C. 20530
ADA info line :
800 - 514 - 0301 (voice)
800 - 514 - 0383 (TTY)
202-307-1198 (fax)
www.usdoj.gov/crt/ada/adahom1.htm

Indiana ADA Resources

ADA Indiana

Indiana Institute on Disability and Community
2853 E. 10th Street
Bloomington, IN 47408
812-855-6508 (voice)
812-855-9396 (TT)
812-855-9630 (fax)
adainfo@indiana.edu
<http://www.iidc.indiana.edu/cpps/ada/>

Governor's Council for People with Disabilities

150 W. Market St., Suite 628
Indianapolis, IN 46204
317-232-7770 (voice)
317-232-7771 (TT)
317-233-3712 (fax)
GPCPD@gpcpd.org (e-mail)
www.in.gov/gpcpd

Job Accommodations Network

West Virginia University
P.O. Box 6080
Morgantown, WV 26506-6080
800-526-7234 (voice/TT)
304-293-5407 (fax)
jan@jan.wvu.edu (email)
www.jan.wvu.edu

National Center on Accessibility (recreation)

Indiana University
501 North Morton St, Suite 109
Bloomington, IN 47404
(812) 856-4422 (voice)
(812) 856-4421 (TT)
(812) 856-4480 (fax)
nca@indiana.edu (email)
www.indiana.edu/~nca

Indiana Protection & Advocacy Services

4701 N. Keystone, Suite 222
Indianapolis, IN 46205
800-622-4845 (voice)
800-838-1131 (TT)
Indianapolis and south: Dann Ward at 1-800-622-4845, ext. 234, or dward@ipas.IN.gov.
For Northern Indiana, contact Debbie Dulla at 1-800-622-4845, ext. 236, or ddulla@ipas.IN.gov.
www.in.gov/ipas

ATTAIN, Inc.

(Technology)
5333 Commerce Square Drive, Suite G
Indianapolis, IN 46237
800-528-8246(toll free)
attaininfo@attaininc.org (e-mail)
www.attaininc.org

Breaking New Ground Resource Center

Purdue University
1146 ABE Bldg.
West Lafayette, IN 47907-1146
800-825-4264 (voice)
765-496-1356 (fax)
bng@ecn.purdue.edu (email)
www.ecn.purdue.edu/ABE/Extension/BNG/

Indiana Civil Rights Commission

Indiana Government Center North
100 N. Senate Ave.
Room N103
Indianapolis, IN 46204
317-232-2600 (voice)
800-628-2909 (voice)
800-743-3333 (TT)
317-232-6580 (fax)
www.in.gov/icrc

Indiana Centers for Independent Living

Nancy Young, SILC Liaison
IN-DARS/Vocational Rehabilitation Services
402 West Washington, Room W453
Indianapolis, IN 46204
(317) 232-1303 (voice)
(317) 232-1427 (TT)
(317) 232-6478 (Fax)
nyoung@fssa.state.in.us

ATTIC Center for Independent Living

1721 W Washington Ave.
Vincennes, IN 47591
812-886-0575 (voice)
877-96-ATTIC (voice)
812-886-1128 (fax)
INATTIC1@aol.com (e-mail)
www.theattic.org

Allen County League for the Blind and Disabled

5821 S. Anthony Blvd.
Fort Wayne IN 46816
260-441-0551 (voice/TT)
800-889-3443 (voice/TT)
260-441-7760 (fax)
the.league@verizon.net (email)
www.the-league.org

Indiana State Government Department of Personnel

P.O. Box 7083
402 W. Washington Street, Room W161
Indianapolis, IN 46204
317-233-0200 (voice)
317-232-1979 (fax)
www.in.gov/jobs

**Department of Vocational Rehabilitation
Family and Social Services Administration**

402 W. Washington Street, Room W451
Indianapolis, IN 46207-7083
317-232-1147 (voice)
800-545-7763 (voice)
www.in.gov/fssa/

**Southern Indiana Center for Independent Living
(SICIL)**

651 X St.
Bedford, IN 47421
812-277-9626 (voice/TT)
800-845-6914 (voice/TT)
812-277-9628 (fax)
sicil@tima.com (e-mail)

Everybody Counts, Inc.

9111 Broadway, Suite A
Merrillville, IN 46410
219-769-5055 (voice)
219-756-3323 (TT)
219-769-5325 (fax)
ecounts@netnitco.net (e-mail)
www.lakenetwi.org/member/everybodycounts/

Indianapolis Resource Center for Independent Living

1426 W 29th St
Indianapolis, IN 46208
317-926-1660 (voice)
800-860-7181 (voice/TT)
www.ircil.org/
info@ircil.org (e-mail)

Wabash Independent Living and Learning Center (WILL)

4312 S. Seventh Street
Terre Haute, IN 47802
812-232-9455 (voice)
877-915-9455 (voice)
812-299-9061 (fax)
Info@thewillcenter.org (email)
www.thewillcenter.org

Independent Living Center of Eastern Indiana

201 South 5th St.
Richmond, IN 47374
765-939-9226 (voice)
877-939-9226 (voice)
765-939-1309 (TT)
765-935-2215 (fax)
info@ilcein.org (email)
www.ilcein.org

***Contact your local City Mayor to see if there is a Community or Mayors appointed Council that works on disability issues. (list enclosed)**

OTHER ADA RESOURCES

Job Accommodation Network can assist you in exploring what accommodations might work for employees with disabilities. Call (800) 526-7234 (voice/TT) or for an online searchable database go to: <http://www.jan.wvu.edu/>

The Great Lakes ADA Center can provide information ADA information, technical assistance and copies of ADA documents supplied by the EEOC and the Department of Justice. The documents are available in standard print, large print, audio cassette, Braille and computer disk. They have monthly audio training on a variety of topics. Session can also be accessed on line. Call (800) 949-4232 (voice/TT).

American National Standards Institute (ANSI) provides information on accessibility standards for buildings. Write to: ANSI, 1430 Broadway, New York, NY 10018.
<http://www.ansi.org/>

ADA Audio Conferences Series <http://www.ada-audio.org/> provides monthly 90-minute in-depth information on the ADA, and other related topics. This program is subject specific with an opportunity for questions and answers. Each session is delivered via telephone, real-time streaming text and audio via the Internet. In addition to the live conference, individuals can access previous session's transcripts and audio recording in the archive section of the website. ADA Indiana makes this session available free at five different locations in Indiana. For information contact: **ADA Indiana**, 812-855-6508 (voice), 812-855-9396 (TT), adainfo@indiana.edu
<http://www.iidc.indiana.edu/cpps/ada/>

Community and Mayors Councils on Disability

Please let us know about any changes or additions we can include in next years list!

Bloomington Council for Community
Accessibility

Craig Brenner, staff

P.O. Box 100, Bloomington IN

47402 0100

Bloomington, IN 47402

812-349-3471

brennerc@bloomington.in.gov

Columbus Mayor's Committee for
Accessibility & Inclusion

Mike Rothrock, Chair

9930 South 100 West

Columbus, Indiana 47201

812-342-6835 (H)

mrothrock@comcast.net

East Chicago Mayors Committee for the
Disabled

Clifton E Johnson

East Chicago Human Rights Commission

105 E Chicago Ave.

East Chicago IN 46312

cjohnson@eastchicago.com

Elkhart Disability Resource Network

Linda Loftus, Chairman

26942 Carriage Court

Elkhart, IN. 46514.

WFML@aol.com

Gary Mayor's Organization on Disability

Lashika Brown, staff

839 Broadway S107

Gary, IN 46402

lbrown@ci.gary.in.us

219-883-4151

Hammond Mayor's Commission on
Disabilities

Owona Miller, staff

649 Conkey St.

Hammond, IN 46320

219-853-6511

Huntingburg Mayor's ADA Committee

Sarah Songer, staff

508 East Fourth Street

Huntingburg, IN 47542

812-683-2211

huntingburg@huntingburg.org

Indianapolis Mayor's Advisory Council on
Disability

Julie Paini, Mayor's Office of Disability
Affairs

City County Building, Suite 2360

200 East Washington Street

Indianapolis, IN 46204

317-327-3798

jpaini@indygov.org

Kokomo Mayor's Council for Disability
Issues

Sheila Brock City Staff

Kokomo City Hall

100 South Union

Kokomo, IN 46901-4691

(765) 456-7473

Parking Patrol

Muncie Mayor's Council on Disability

Dr Michael Seidle, Chair

7804 W Norwich Dr

Muncie, IN 47304

765-759-8222

Seidle1@comcast.net

PUBLICATIONS ON THE AMERICANS WITH DISABILITIES ACT (ADA)

ADA Document Portal: www.adaportal.org/

The ADA Collection consists of more than 7,400 documents. Use the search box to enter keywords and search the entire collection. You can choose to search "Everything" or to search an ADA category, such as "Only Employment". The documents listed below are all available at the ADA Document Portal. Print copies can be requested from the Great Lakes ADA Center

Title I- Employment

Title I Fact Sheet - This document provides a brief summary of the key requirements of title I (employment) of the ADA.

Title I Q&A - This brief document provides a list frequently asked questions related to employment and the ADA.

Your Responsibilities as an Employer under the ADA - Describes the responsibilities of employers presented in the form of frequently asked questions.

Title II – State and Local Government

Title II Highlights. An 8-page outline of the key requirements of the ADA for State and local governments. This publication provides detailed information in bullet format for quick reference.

Commonly Asked Questions About Title II of the ADA . A 6-page fact sheet explaining the requirements of the ADA for State and local governments.

ADA Guide for Small Towns A 21-page guide that presents an overview of some basic ADA requirements and provides cost-effective tips on how small towns can comply with the ADA.

The ADA and City Governments: Common Problems. A 9-page document that contains a sampling of common problems shared by city governments of all sizes provides examples of common deficiencies and explains how these problems affect persons with disabilities.

Title III – Public Accommodations and Services Operated by Private Entities

Title III Highlights - A 12-page outline of the key requirements of the ADA for businesses and non-profit agencies. Provides detailed information in bullet format for quick reference.

ADA Guide for Small Business - This 15-page illustrated guide presents an overview of some basic ADA requirements for small businesses that provide goods and services to the public. It provides guidance on tax credits and how to make their services accessible.

Tax Credit Pack - contains information about the disabled access credit that is available for small businesses and the tax deduction that is available for businesses of any size. It also includes the Internal Revenue Service (IRS) form and instructions for claiming the disabled access credit

Commonly Asked Questions About Service Animals in Places of Business - This document provides answers to the most common questions about service animals in places of business.

AMERICANS WITH DISABILITIES ACT

A SELECTED VIDEO BIBLIOGRAPHY

The video materials listed below may be borrowed from the library at the Indiana Institute on Disability and Community, 2853 E. Tenth St., Bloomington, IN, 47408-2696, (812) 855-6508 (voice/TT); 812-855-9396 (TT) or (800) 825-4733 (voice). The library has additional ADA resources including print documents available upon request.

The ADA maze: What YOU can do. [videorecording]. (1991). West Des Moines, Iowa: American Media Inc.

The Americans with Disabilities Act. [videorecording]. (1991). Oak Forest, Ill.: Foundation for Exceptional Children.

Americans with Disabilities Act: Reed Martin, Legal Challenges in Special Education series. [videorecording]. (1992). Urbana, Ill.: Carle Media.

And justice for all: A celebration of the Americans with Disabilities Act. [videorecording]. (1991). Dunbar, W.Va.: West Virginia Research and Training Center.

The basics of the Americans with Disabilities Act with Randy Dipner. [videorecording]. (1992). Colorado Springs, Colo.: Franklin Video Seminars.

Every page spelled liberty [videorecording]. (1990). Cleveland, Ohio: Classic Video.

Providing public transportation to everyone [videorecording]. (1992). Chicago: National Easter Seal Society.

Work in progress. [videorecording]. (1993). Raleigh, N.C.: Barrier Free Environments.

Overview of the Americans with Disabilities Act

Over 54 million Americans with physical or mental impairments that substantially limit daily activities are protected under the ADA. These activities include working, walking, talking, seeing, hearing, or caring for oneself. People who have a record of such an impairment and those regarded as having an impairment are also protected.

The ADA has the following five titles:

Title I - Employment (all Title II employers and private employers with 15 or more employees)

Title II - Public Services (state and local government including public school districts and public transportation)

Title III - Public Accommodations and Services Operated by Private Entities

Title IV - Telecommunications

Title V - Miscellaneous Provisions

The following is a brief summary of some of the major requirements contained in the ADA statute. To determine all of the requirements that a covered entity must satisfy, it is necessary to refer to the regulations, guidelines, and/or technical assistance materials that have been developed by the Department of Justice (DOJ), the Equal Employment Opportunity Commission (EEOC), the Department of Transportation (DOT), the Federal Communications Commission (FCC), and the Architectural and Transportation Barriers Compliance Board (the Access Board). In addition, the Internal Revenue Service (IRS) has developed regulations on the tax relief available for certain costs of complying with the ADA, such as small business tax credits.

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Title I -Employment

Title I of the ADA prohibits discrimination in employment against people with disabilities. It requires employers to make reasonable accommodations to the known physical or mental limitations of a qualified applicant or employee, unless such accommodation would impose an undue hardship on the employer. Reasonable accommodations include such actions as making worksites accessible, modifying existing equipment, providing new devices, modifying work schedules, restructuring jobs, and providing readers or interpreters.

Title I also prohibits the use of employment tests and other selection criteria that screen out, or tend to screen out, individuals with disabilities, unless such tests or criteria are shown to be job-related and consistent with business necessity. It also bans the use of pre-employment medical examinations or inquiries to determine if an applicant has a disability. It does, however, permit the use of a medical examination after a job offer has been made if the results are kept confidential; all persons offered employment in the same job category are required to take them; and the results are not used to discriminate.

Employers are permitted, at any time, to inquire about the ability of a job applicant or employee to perform job-related functions. The EEOC is the enforcement agency for Title I.

Title II –Public Services- State and Local Governments

Title II of the ADA requires that the services and programs of local and State governments, as well as other non-Federal government agencies, shall operate their programs so that when viewed in their entirety are readily accessible to and usable by individuals with disabilities.

Title II entities:

do not need to remove physical barriers, such as stairs, in all existing buildings, as long as they make their programs accessible to individuals who are unable to use an inaccessible existing facility. must provide appropriate auxiliary aids to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, unless an undue burden or fundamental alteration would result. may impose safety requirements that are necessary for the safe operation of a Title II program if they are based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

In addition, Title II seeks to ensure that people with disabilities have access to existing public transportation services. All new buses must be accessible. Transit authorities must provide supplementary paratransit services or other special transportation services for individuals with disabilities who cannot use fixed-route bus services, unless this would present an undue burden.

Title III -Public Accommodations

Public accommodations include the broad range of privately-owned entities that affect commerce, including sales, rental, and service establishments; private educational institutions; recreational facilities; and social service centers. In providing goods and services, a public accommodation may not use eligibility requirements that exclude or segregate individuals with disabilities, unless the requirements are "necessary" for the operation of the public accommodation. As an example, restricting people with Down's Syndrome to a certain area of a restaurant would violate Title III. It also requires public accommodations to make reasonable modifications to policies, practices, and procedures, unless those modifications would fundamentally alter the nature of the services provided by the public accommodation.

Title III also requires that public accommodations provide auxiliary aids necessary to enable persons who have visual, hearing, or sensory impairments to participate in the program, but only if their provision will not result in an undue burden on the business. Thus, for example, a restaurant would not be required to provide menus in braille for blind patrons if it requires its wait persons to read the menu. The auxiliary aid requirement is flexible. A public accommodation may choose among various alternatives as long as the result is effective communication.

With respect to existing facilities of public accommodations, physical barriers must be removed when it is "readily achievable" to do so (i.e., when it can be accomplished easily and without much expense). Tax write-offs are available to minimize the costs associated with the removal of barriers in existing buildings or in providing auxiliary aids, including interpreters for the deaf. Modifications that would be readily achievable in most cases include the ramping of a few steps. However, all construction of new building facilities and alterations of existing facilities in public accommodations, as well as in commercial facilities such as office buildings, must comply with

the ADA Accessibility Guidelines (ADAAG) so they are accessible to people with disabilities. New privately owned buildings are not required to install elevators if they are less than three stories high or have less than 3,000 square feet per story, unless the building is a shopping center, mall, or a professional office of a health care provider.

Title III also addresses transportation provided by private entities.

Title IV - Telecommunications

Title IV requires that telephone companies provide telecommunications relay services that allow individuals with hearing impairments to communicate using a TTY or other non-voice device. Relay services may be accessed by dialing 7-1-1.

Title IV also requires that all television public service announcement produced by or funded in whole or in part by the federal government include closed captioning.

Title V - Miscellaneous Provisions

Title V includes information regarding the ADA's relationship with other federal and state laws, including the Rehabilitation Act of 1973, requirements relating to the provision of insurance, construction and design regulations by the U.S. Access Board, prohibition of state immunity, inclusion of Congress as a covered entity under the law, promotion of alternative means of dispute resolution, and establishment of technical assistance resources.

For technical assistance with questions or additional written information about the various titles of the ADA :

Great Lakes ADA Center

University of Illinois at Chicago
Institute on Disability & Human Development, MC 728
1640 West Roosevelt Road, Room 405
Chicago, IL 60608

800-949-4232 (voice/TT)

312-413-1407 (V/TTY)

312-413-1856 (Fax)

www.adagreatlakes.org

ADA Document Portal: www.adaportal.org/

The ADA Collection consists of more than 7,400 documents. Use the search box to enter keywords and search the entire collection. You can choose to search "Everything" or to search an ADA category, such as "Only Employment". The documents listed below are all available at the ADA Document Portal. Print copies can be requested from the Great Lakes ADA Center

- ✓ **ADA Checklist for Readily Achievable Barrier Removal: For an online downloadable copy go to:** <http://www.usdoj.gov/crt/ada/racheck.pdf>